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**ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS**

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WASHINGTON, D.C. 20544

April 11, 2002

**MEMORANDUM TO: CHIEF JUDGES, UNITED STATES COURTS
CLERKS, UNITED STATES COURTS**

SUBJECT: Electronic Public Access (EPA) Fee Schedule Change (INFORMATION)

The Judicial Conference, at its March 2002 session, amended the language of Section I of the Electronic Public Access Fee Schedule for the appellate, district, and bankruptcy courts, the United States Court of Federal Claims, and the Judicial Panel on Multidistrict Litigation (adopted by the Judicial Conference pursuant to sections 1913, 1914, 1926, 1930, and 1932 of title 28, United States Code). The amendment places a cap on the seven cents per page charge for Internet access to data obtained electronically from the public records of individual cases in the courts. This amendment establishes that a user will be charged a maximum \$2.10, the equivalent of 30 pages, for electronic access to any single document. It is important to note, however, that attachments will be treated as separate documents for purposes of this rule.

The cap will produce savings for attorneys and the public, while enabling the judiciary to continue to fund the Electronic Public Access Program. In addition, EPA fee revenues have and continue to fund the development and implementation costs of the Case Management/Electronic Case Files (CM/ECF) system, without which the judiciary would not have been able to achieve the advanced stage of development and implementation of this important system.

The 30 page cap became effective April 1, 2002, for Bankruptcy CM/ECF courts and will become effective July 1, 2002, for District CM/ECF courts in conjunction with the normal billing cycle for the PACER (Public Access to Court Electronic Records) system. A copy of the new EPA Fee Schedule is attached.

If you have any questions on these matters, please contact Mary Stickney, Chief of the EPA Program or Brian LeDuc, EPA Program Attorney-Advisor, in the Office of Court Administration and Defender Services at (202) 502-1500.

A handwritten signature in black ink, appearing to read "Leonidas Ralph Mecham". The signature is fluid and cursive, with the first name "Leonidas" being more prominent and the last name "Mecham" following in a similar style.

Leonidas Ralph Mecham

Attachment

cc: Circuit Executives
District Court Executives
Clerks, Bankruptcy Appellate Panels

ELECTRONIC PUBLIC ACCESS FEE SCHEDULE (eff. 3/20/02)

Following are fees to be charged by the courts in connection with electronic public access to court records. These fees shall apply to the United States unless otherwise stated. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and bankruptcy administrator programs.

- I. For usage of electronic access to court data via dial up service: sixty cents per minute. For public users obtaining information through a federal judiciary Internet site: seven cents per page, with the total for any document not to exceed the fee for thirty pages. The court may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. Attorneys of record and parties in a case (including *pro se* litigants) receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. No fee is owed under this provision until an account holder accrues charges of more than \$10 in a calendar year.
- II. For printing copies of any record or document accessed electronically at a public terminal in the courthouse: ten cents per page. This fee shall apply to services rendered on behalf of the United States if the record requested is remotely available through electronic access.
- III. For every search of court records conducted by the PACER Service Center, \$20.

JUDICIAL CONFERENCE ADVISORY NOTES

Exemptions should be granted as the exception, not the rule. The exemption language is intended to accommodate those users who might otherwise not have access to the information in this electronic form. It is not intended to provide a means by which a court would exempt all users. Examples of persons and classes of persons who may be exempted from electronic public access fees include, but are not limited to: indigents; bankruptcy case trustees; not-for-profit organizations; and voluntary ADR neutrals.

The electronic public access fee applies to court data obtained electronically from the public records of individual cases in the court, including filed documents and the docket sheet. Courts may provide other local court information at no cost. Examples of information which can be provided at no cost include: local rules, court forms, news items, court calendars, opinions designated by the court for publication, and other information – such as court hours, court location, telephone listings – determined locally to benefit the public and the court.